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JRW

ELX- 5704(US)
BXTR 9005
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of L. Thompson

Art Unit 1647

Serial No. 09/637,962

Filed August 11, 2000

Confirmation No. 8001

For THERAPEUTIC METHODS FOR TREATING SUBJECTS WITH A RECOMBINANT
ERYTHROPOIETIN HAVING HIGH ACTIVITY AND REDUCED SIDE EFFECTS

Examiner Regina M. Deberry

October 22, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 22, 2004, rejecting the following claims: 66, 68, 76-85, 117-127, 129 and 130.

The appeal fee of \$340.00 is submitted herewith.

If there are any additional charges in this matter, please charge our Deposit Account No. 19-1345.

Respectfully submitted,

Kathleen M. Petrillo, Reg No. 35,076
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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FEE TRANSMITTAL

Application Number 09/637,962
Filing Date August 11, 2000
Confirmation No. 8001
Inventor(s) L. Thompson
Group Art Unit 1647
Examiner Name Regina M. Deberry
Attorney Docket Number ELX-5704(US); BXTR 9005

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
 - The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
 - Applicant claims small entity status.
2. Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)

2. EXTRA CLAIM FEES Subtotal (2) \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. ADDITIONAL FEES Subtotal (3) \$ 340.00

- Surcharge - late filing fee or oath
- Surcharge - late provisional filing fee or cover sheet
- Extension for reply within _____ month
- Notice of Appeal
- Filing a Brief in Support of an appeal
- Request for ex parte Reexamination
- Petitions to the Commissioner
- Submission of Information Disclosure Statement
- Recording each patent assignment per property
- Request for Continued Examination
- Other: _____

TOTAL AMOUNT OF PAYMENT \$ 340.00


Kathleen M. Petrillo, Reg. No. 35,076

October 22, 2004

Date

KMP/lam

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